

1859-004
Lee Co.

Chancery Causes: Adm. of Benjamin Dickinson for &c vs. William L. Stubblefield

Allen, Martin, Crockett

CA-Debt

T-Property

To the worshipful County Court of Lee County, in Chancery sitting, the bill of complaint of John H. Allen, administrator de bonis non of Benjamin Dickinson deceased, who sues for the benefit of Benjamin D. Martin, respectfully shews:

That at the Term of the Circuit Court of said County, the then administrators of said Dickinson obtained a judgment against one William L. Stubblefield, in an action of Debt before that time brought in the said Circuit Court against him, for \$681.00, with legal interest from the 17th day of October 1854, and the costs of that suit ^{amounting to \$6.80.} afterwards the said Stubblefield obtained an injunction from the Judge of said Court to said Judgment, which remained in force till the Term of said Circuit Court which was held in October 1858, when by a decree of the Court the said injunction was dissolved. The said debt was one which was due for the remainder of the purchase money for two lots in the Town of Jonesville in said County, known in the plan of said Town as lots N: 14 & 19, & whereon said Stubblefield lived till recently, which he had some years ago purchased from the said Dickinson in his lifetime. The said judgment is subject to a credit for the sum of \$79.11 with legal interest from the 3rd day of March and the costs of a suit amounting to \$6.51 a judgment having been obtained ^{against} ~~therefor~~ against ^{Ben: Dickinson decd} B. D. Martin then by Joseph Fairfax for the benefit of the said Stubblefield. The said Stubblefield has removed from the County, and has gone, it is generally believed, to the State of Texas. The object of this bill is, to enforce the Vendor's lien by subjecting the said lots to sale for the payment of said purchase money. The said Stubblefield has no other property within the reach of the Court known to your orator.

The prayer of your orator therefore is, that the said William L. Stubblefield be made a party defendant to this bill, and be required to answer the same.

truly on oath; That your worships, by your deed in the
premises, will direct a sale of the said lots for the retri-
bution of said purchase-money; and that you will grant
to him such other & general relief as may be equited to
his case & belong to equity. May it please your worships
to grant the Commetts writ of Spem, directed &c.

Johnstone for Compt. 11

J. H. Allen, admr. of B. Dickinson
for B. D. Martin

5. } Bill - Chy.

Wm L. Stubblefield

1858 Dec. Rules Bill filed and
order publication

1859 Jan. Rules continued

" Feb 4 March continued

" April Rules Continued

" April Term, Decree

C	3.46
a	5.00
y	20
y	1.00
Printers fee	7.50
	12.16

J.H. Allen admr. &c. vs. Wm L. Stubblefield - Chy.

On the motion of the complt this cause is set for hearing; and thereupon it came on this day to be heard upon the bill of the complt, the evidence filed, and was argued by counsel; And it appearing, that the defendant is not an inhabitant of this Commonwealth, and that the order of publication issued against him at the last December rules has been duly published and posted, and that more than one month has elapsed since the completion of said publication, and he having still failed to appear and answer the complt's bill, the same is taken for confessed; It is therefore adjudged, ordered, & decreed, that the complt's lien, as the representative of the vendor, upon the two lots in the town of Jonesville mentioned in the bill be enforced by the sale thereof for the purpose of discharging the balance of the judgment in the bill mentioned, and that Peter C. Johnston, who is hereby appointed a commissioner for the purpose, sell the said lots at public sale, to the highest bidder, on ^{the first day of the next May County Court} ~~some~~ ^{the first day of the next May County Court} ~~Wednesday~~, at the front door of the Court House of this County, on a credit ^{till the 1st day of January 1860} ~~for six months~~ with interest from the day of sale, after having advertised such sale for at least ^{twenty-five} ~~thirty~~ days previous thereto at the front door of the Court House of this County, and at such other place or places as he may consider necessary to give proper notice thereof, and take bond with good security for the purchase money, retaining the title to the said lots till the purchase money shall be all paid; and that he report his proceedings to this Court - And the cause is continued.

J. H. Allen, admr. &c.

25. } Deane.

Wm L. Stubblefield

April term 1859.

Prater Book page 324
April Term 1869

Virginia

At a circuit court continued and held for the county
at the court house thereof on the 14th day of October
1857.

Benjamin Dickinsons Admors Plaintiffs
against
William L Stubblefield Defendant } In Debt.

This day came again the parties by their attorneys, and the
defendant withdrew the demurrer and pleas heretofore filed
by him in this case, and no other plea being offered, the
defendant remains altogether undefended, Therefore it is
considered by the court that the plaintiffs recover against
the defendant \$681.00 with legal interest thereon from
the 17th day of October 1854 till payment and their cost
by them in this behalf expended and the said defendant
in money &c.

Attest

H. Morgan, Clk.

u. 46

Virginia So County to wit

This day personally appeared before the undersigned Clerk of the county court of So County, Eli B. Crockett and made oath that William Stubbfield is not an inhabitant of this commonwealth, to the best of his knowledge & belief given under my hand this 6th day of December 1858.

H. J. Morgan, C. C.

B. Dickinson's admt.

is. } affidavit

Wm. Stubblefield

of non-residence

Virginia

At Rules held in the clerk's office of the County Court
of Lee County on Monday the 6th day of December 1858.

John W. Allen Administrator *de bonis non* of
Benjamin Dickinson deceased who Sues for the
benefit of Benjamin S. Martin

Complainant

Against
William L. Stubblefield

Defendant

In Chancery

The object of this suit is to obtain a decree of the court Subjecting
the town lots in the bill mentioned to sale for the payment of
the purchase money due thereon and it appearing from satisfactory
evidence that the defendant, William L. Stubblefield, is not an
inhabitant of this commonwealth. It is ordered that said defendant
do appear here within one month after due publication of this order
and answer the bill of complainant or do what is necessary to protect
his interest, and that a copy of this order be forthwith inserted in
some newspaper published in this commonwealth for four successive
weeks and posted at the door of the Court House of Lee County.

H. J. Morgan, C.C.

Virginia Lee County Inuit

This day personally appeared before the undersigned
a justice of the peace in and for
~~County of Lee~~ Lee County, Henry J. Morgan
and made oath that he had posted a copy of the above
order at the door of the court House of Lee County
on the 1st Monday in December 1858, given under my
hand this ^{18th} day of ~~December~~ April 1859.

J. H. Duff, J.P.

J. H. Allen Admin & for

MS } Order Publication

W. S. Stubbfield

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

William S. Stubblefield

to appear before the Justices of our County Court for Lee county, at the Court House, *on the 1st Monday*
in December next to answer

a bill in Chancery exhibited in our said Court against *him* by *John H. Allen* administrator
de bonis non of *Benjamin Dickinson Decd*, who sues for the benefit
of *Benjamin D. Martin*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House,
this *8th* day of *November* 1858, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.

John H. Allen, ^{forge} Adm^r

25 } Spain in Chig.

W. S. Stubblefield,

Decr. Rules 1858.

not executed &
W. S. Stubblefield
has Left the
Commonwealth
Novr 15th 1858
D. Politt LEB

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

William S. Stubblefield,

to appear before the Justices of our County Court for Lee County, at the Court House, *on the 1st Monday*
in December next. —

a bill in Chancery exhibited in our said Court against

him

by

John H. Allen administrator

to answer

de bonis non of Benjamin Dickinson *decd.* who sues for the benefit
of Benjamin S. Martin

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this
8th day of *November* 1858, in the *83rd* year of the Commonwealth.

H. J. Morgan, C. C.

A Copy Teste, H. J. Morgan, C. C.

VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand Jan'y 13th 1859

Printer's fee, \$

Geo. D. Morgan.

Jr. Ed. "Virginia"

VIRGINIA:—At Rules held in the Clerk's office of the County Court of Lee county, on Monday, the 6th day of December, 1858:

John H. Allen, Administrator *de bonis non* of Benjamin Dickinson, dec'd, who sues for the benefit of Benjamin D. Martin, Complainant,

AGAINST

William L. Stubblefield, Defendant.

IN CHANCERY.

The object of this suit is to obtain a decree of the Court subjecting the town lots in the bill mentioned to sale, for the payment of the purchase money due thereon; and it appearing from satisfactory evidence that the defendant, William L. Stubblefield, is not an inhabitant of this commonwealth, it is ordered that said defendant do appear here within one month after due publication of this order, and answer the bill of complainant, or do what is necessary to protect his interest; and that a copy of this order be forthwith inserted in some newspaper published in this Commonwealth, for four successive weeks, and posted at the door of the Court House of Lee county.

A Copy.—Teste,

Dec. 18, 1858—4w H. J. MORGAN, c. c.

Sent to Mr Morgan,